THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24474 of 2006

Dated: 27-11-2006

Between:

Mohammad Basheeruddin and others.

.....

PETITIONERS

AND

The Sub-Registrar, Hyderabad.

.....RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.24474 of 2006

ORDER:

The petitioners, having purchased different extents of plots in survey No.44/1 situated at Munuganoor Village, Hayathnagar Mandal in Ranga Reddy District under different registered sale deeds from different persons, sold the same to third parties under different sale deeds and presented the documents for registration before the respondent, who refused to accept the same based on the circular instructions dated 06-02-2001 directing him not to entertain registrations without obtaining 'No Objection Certificate' from the District Collector. Aggrieved by the same, the present writ petition is filed.

The learned counsel for the petitioners as well as the learned Assistant Government Pleader for Revenue (General-T) brought to the notice of this Court that the District Collector issued Memo dated 28-04-2006 recalling the circular instructions dated 06-02-2001. The Memo issued by the District Collector dated 28-04-2006 reads as under.

> Vide communication bearing No.E2/406/2001, dt.6-2-2001, a direction was issued directing the Sub-Registrar in the district not to entertain the Registrations of land without obtaining No Objection Certificate from the District Collector, the Circular has been invalidated by the Hon'ble High Court of Andhra Pradesh.
>
> The Hon'ble High Court in W.P.No.1952/02, has invalidated the Circular and the same was affirmed by the Division Bench of the Hon'ble High Court in W.A.No.1133 of 2004.
>
> In spite of the above, it is noticed that the Registering Authorities are rejecting registrations on the ground of the said Circular dated 6-2-2001.
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> Therefore, the said Circular instructions in Rc.No.E2/406/01, dt.6-2-2001 is hereby recalled. It is further clarified that the Registering Authorities of Ranga Reddy District shall not refuse any registration on the ground of the said Circular.

In view of the same, the registering authority cannot refuse registration of the documents presented by the petitioners and there is no necessity for production of 'No Objection Certificate'.

This writ petition is accordingly disposed of directing the respondent or any other Registering Officer to accept the documents presented by the petitioners and consider the same for registration. Be it noted, if for any reason, the documents presented are not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioners have any grievance, they may file appeal before the Appellate Authority under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioners can file a suit under Section 77 of the Act. No costs.

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(**V.V.S.RAO, J**)

27th November, 2006
ghn